

REMARKS

Claims 1, 6, 7, 13 and 17 are amended. New dependent claim 18 is added.

Claims 7, 8, 11, 12 and 17 are rejected under 35 U.S.C. 112, first paragraph, as indefinite.

Claim 7 has been amended to overcome the 35 U.S.C. 112, first paragraph, rejection.

Amended claim 7 requires an alignment bracket coupled to the rear leg for engagement with a bottom surface of the front leg or alignment bracket when the step ladder is in the collapsed position. The original claim 7 provides basis for engagement with the bottom surface of the front leg (see also the specification at, for example, page 5, lines 27-31). The specification at, for example, page 9, lines 8-14 provides basis for engagement with the bottom surface of the bracket. The drawings further show these features.

Claim 8 depends from claim 7 and avoids this rejection for the same reasons as with respect to claim 7.

Claim 11 is rejected for the language a retainer member... arranged to trap a portion of the second aligner between the rear leg and the retainer member. The specification at, for example, page 9, lines 11-14 discloses engagement of retainer member 70 with the bottom surface of bracket 54. This is a proper basis for the objected to limitation in claim 11. On this basis, reconsideration of this rejection as it applies to claim 11, and dependent claim 12, is requested.

Claim 17 has been amended to improve its form. Claim 17 is rejected under 35 U.S.C. 112 for the same reasons as claim 7. Claim 17 avoids this rejection because the specification at, for example, page 5, lines 27-31 provides basis for foot 76 to lie adjacent rear leg bottom wall 80 and thus provide alignment of the legs. The drawings further show these features.

Claim 1 is rejected as anticipated by Gibson (U.S. Patent No. 6,390,238). Gibson '238 does not disclose an L-shaped alignment guide immovably coupled to the front leg as now recited in claim 1. Gibson's alignment structure 216 is not L-shaped and is not immovably coupled to the front leg. Reconsideration of the rejection of claim 1 is requested.

Claim 6 is rejected as anticipated by Gibson. Gibson '238 does not disclose alignment means as recited in claim 6. Claim 6 has been further amended to clarify that the alignment means for aligning the front leg and the rear leg is also for holding the front leg and rear leg therebetween. Gibson's alignment structure does not perform the same function, in the same way and have the same result as, and is not equivalent to, applicant's disclosed alignment means. Reconsideration of the rejection of claim 6 is requested.

Claim 13 is rejected as anticipated by Gibson. Claim 13 as amended requires the first and third aligners to engage the rear leg when the frame is in the collapsed position and not to engage the rear leg when the frame is in the opened position. Gibson '238 does not disclose first and third aligners that engage the rear leg when the frame is in the collapsed position as recited in claim 13. Gibson's aligners engage other portions, but not the rear leg. Reconsideration of the rejection of claim 13 is requested.

Claim 6 is rejected as anticipated by Giezendanner (U.S. Patent No. 4,448,282). Claim 6 has been further amended to clarify that the alignment means for aligning the front leg and the rear leg is also for holding the front leg and rear leg therebetween. Giezendanner's alignment structure does not perform the same function, in the same way and have the same result as, and is not equivalent to, applicant's disclosed alignment means. Reconsideration of the rejection of claim 6 is requested.

Claim 13 is rejected as anticipated by Giezendanner. Claim 13 as amended requires the first and third aligners to engage the rear leg when the frame is in the collapsed position and not to engage the rear leg when the frame is in the opened position. Giezendanner does not disclose first and third aligners that engage the rear leg when the frame is in the collapsed position and not to engage the rear leg when the frame is in the opened position as recited in claim 13. Giezendanner's aligners 5 engage both legs in both the open and closed positions. Reconsideration of the rejection of claim 13 is requested.

In view of the above, it is submitted that all of the claims (Nos. 1-9 and 11-18) are in condition for allowance and such action is, respectfully, requested.

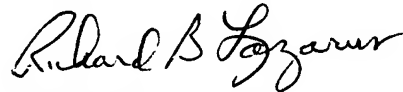
If there is any issue remaining to be resolved, the examiner is invited to telephone the undersigned so that resolution can be promptly effected.

Serial No. 10/649,026

It is requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response with the fee for such extensions and shortages in other fees, being charged, or any overpayment in fees being credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 (20341-72213).

Respectfully submitted,

BARNES & THORNBURG

A handwritten signature in cursive script, reading "Richard B. Lazarus".

Richard B. Lazarus

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